



PLANNING COMMISSION REPORT STAFF REPORT

TO: Chair and Planning Commissioners
DATE: March 26, 2019
FROM: David Dowswell, Contract Planner *[Signature]*
SUBJECT: Study Session – Discussion by the Winters Planning Commission for future regulations regarding vacation rentals in Winters

RECOMMENDATION: Staff recommends the Planning Commission:

- 1) Receive a staff report regarding analysis and options for regulation of vacation rentals in Winters; and
- 2) Receive public comment on the proposed ordinance; and
- 3) Provide staff direction regarding the amendments to the proposed ordinance regulating of vacation rentals in Winters.

BACKGROUND: In 2008, a new market was created that allows homeowners to rent out a room or their whole house to strangers/customers for the night or a short period of time. This new market allows people to use their home as a makeshift hotel. Airbnb is one of the most recognizable companies in this new market. This new market was small and inconsequential to cities and local governments for the first few years, but over the last five or so years, vacation rentals have become a large business, spanning the entire globe.

In recent years, the success of Airbnb and other similar companies has caught the attention of cities and local governments. There are three main components when it comes to dealing with vacation rentals – taxation, regulation and public relations. Cities, small and large, have been receiving complaints from citizens who that vacation rentals are just a destination for partying. These complaints range from noise violations, parking on neighborhood streets, littering and lack of neighborhood cohesion. The concerns

about regulating vacation rentals range from, tax collection, registration for business licenses, code violations and proper zoning.

Currently, the City of Winters does not have any regulations or ordinances when it comes to vacation rentals. There are a number of vacation rental companies such as, Airbnb, Homeaway, HomeToGo and Vacation Rentals By Owners (VRBO). These Internet based companies allow people to rent out rooms in their house or their entire house. Guests rent out rooms and units for a short time – essentially using the property like a hotel. Presently, Winters has about 14 Airbnb rentals available, two of which are full houses for rent.

Other cities in Yolo County have few if any regulations when it comes to vacation rentals. Woodland currently has no regulations specific to specific to vacation rentals in their code, other than a Transient Occupancy Tax (TOT) ordinance; Davis has an ordinance in their municipal-code to collect TOT, but no other regulations have been created. Lastly, West Sacramento has no ordinances in their municipal-code regulating vacation rentals.

On July 24, 2018 the Planning Commission held a workshop where they discussed the vacation rentals and the possibility of regulating them. After the discussion staff was directed to do further research and prepare an ordinance.

Since the July 24 meeting the city attorney's office has reached an agreement with Airbnb on the voluntary collection by Airbnb of the City's Transient Occupancy Tax (TOT) and the County's Tourism Business Improvement District (TBID) assessment.

On January 22, 2019 the Planning Commission held a study session where various issues were raised concerning vacation rentals and the drafting of an ordinance. The Commission was given a copy of the city of Napa ordinance for discussion. Staff was given direction to incorporate a number of changes to the Napa ordinance in drafting a city ordinance.

ANALYSIS: The City of Winters has no regulations regarding vacation rentals. In reviewing other city ordinances and listening to comments from the commission and the community at the previous study sessions staff identified the following key elements the City should consider:

- Defining various terms associated with vacation rentals.
- Requiring a vacation rental permit which must meet specific regulations.
- Annual renewal of vacation rental permit.
- Distinguishing between non-hosted and hosted facilities.
- Establishing limits on how many days one can rent out a room or the entire house and maximum number of persons who can stay in the vacation rental.
- Establishing a minimum number of days a vacation rental must be rented before needing a permit.

- Deciding who can issue a vacation rental permit, staff, planning commission or both.
- Establish a new fee for hosted facilities.

Definitions

There are a number of new definitions that need to be added to the Municipal Code which define what a vacation rental is and explain that it is different from a traditional hotel, motel, hostel, and bed and breakfast.

Vacation Rental Annual Review

Staff does not believe all permits should be subject to an annual review by the Community Development Department or the Planning Commission because it would be too burdensome. Staff does, however, believe each facility should be subject to an annual building/fire inspection review. The proposed ordinance will have language allowing for a vacation rental permit to be subject to review by the Community Development Department or the Planning Commission if it becomes a problem. Vacation rentals will have to renew their business license annually.

Hosted and Non-hosted Vacation Rentals and Limiting Their Numbers

The proposed ordinance will not limit the numbers of vacation rentals (hosted and non-hosted) that can be allowed. The ordinance can always be amended in the future if the city wants to establish limits on each type of vacation rental. During the application process applicants will need to indicate if the vacation rental will be hosted or non-hosted.

Requiring a Specific Date for Existing Vacation Rentals to Apply for a Permit

Once an ordinance is adopted owners of existing vacation rentals will be notified they must obtain a permit. Not requiring a specific date to apply for a permit will avoid the possibility of everyone applying for a permit all at once. Persons are required to have a business license before they start conducting a business.

Establishing Limits on How Many Days a Room or the Entire House Can be Rented and Maximum Number of Persons that Can Stay in a Vacation Rental.

The City of Napa does not place a limit on how many days in a calendar year a vacation rental can be rented. The City of Sacramento allows a non-hosted facility to be rented a maximum of 90 days and a hosted facility to be rented a maximum of 6 months. Staff believes there should be a maximum number of days that non-hosted and hosted facilities can be rented in a calendar year. The Commission could limit hosted facilities to 90 days and establish a limit as part of the use permit for non-hosted facilities.

At the January 22, 2019 meeting it was suggested there be a minimum number of days a vacation rental can be rented before needing a permit. Neither Napa nor Sacramento has an exemption for needing a permit based on the number of days the vacation rental is rented. The Commission could establish a minimum number of days a vacation rental can be rented before needing a permit. A vacation rental would still need to comply with

the City's business license regulations and pay the transient occupancy tax. The City of Napa allows a maximum of 10 persons who can stay in a vacation rental. The City of Sacramento allows a maximum of 6 persons who can stay in a vacation rental. There is an existing vacation rental in the City called the "Farm Stay" that lists it has 9 bedrooms and can accommodate 16 plus persons. There is another house that has 7 beds. There are considerably more people who can be accommodated on this site for parties. Staff recommends a maximum of 10 persons be allowed to stay in a vacation rental. The "Farm Stay" could apply for a use permit as a bed and breakfast inn. The Planning Commission could establish a higher occupancy limit as part of this process.

The City of Napa prohibits vacation rentals to be used for weddings, auctions, commercial functions or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood. Staff recommends a similar restriction be placed on vacation rentals.

Deciding Who Can Issue a Rental Permit, Community Development Director (CDD) or Planning Commission or Both.

Staff believes establishing a requirement to obtain a vacation rental permit with very specific restrictions will eliminate and/or greatly reduce the complaints. Staff is recommending for that the Community Development Director (CDD) be able to approve a permit for a hosted facility. Staff is recommending non-hosted facilities obtain a Use Permit from the Planning Commission. A public hearing would be required for both types of permits. Allowing CDD to approve or deny a permit would streamline the process for hosted facilities. There are provisions in the City's Municipal Code where a decision of CDD can be appealed to the Planning Commission and ultimately to the City Council. The proposed ordinance will also allow the CDD to refer an application to the planning commission if the vacation rental is adversely impacting a neighborhood.

Establishing a Fee for a Permit and a Use Permit.

The City of Napa charges \$594 fee to process a vacation rental permit. The City of Napa also requires all vacation rentals to be inspected annually for which they have a separate fee. Staff will need to propose amending the City's fee schedule to allow collection of these fees. The fee for a use permit, which is part of the City's existing fee schedule, is \$1,820. This is a one-time fee.

Potential Issues Regarding Regulation Vacation Rentals

- 1) How to enforce new fee requirements and regulations?
 - a. Initially getting vacation rental owners to obtain a business license and vacation rental permit would be based on the honor system. Due to the voluntary collection agreement between the City and Airbnb owners of vacation rentals handled by Airbnb would likely comply.
 - b. One way to enforce getting other owners to comply with the new regulations would be to periodically check vacation rental websites and see if hosts who are advertising have been licensed by the city.

- 2) How to enforce noise violations, nuisance violations and parking violations?
 - a. The community development, building and police departments would be responsible for enforcing noise, nuisance, parking ordinances for vacation rental properties. The City has a nuisance and noise ordinances.
 - i. Records must be kept on any violations issued to vacation rental properties
 - ii. Code enforcement reports would be filed to ensure a record keeping system consistent with permitting and business licensing.
- 3) How to enforce local and state business code?
 - a. The City would require all vacation rental owners to comply with state, county and local codes. The community development and building departments would enforce the codes

ATTACHMENTS:

- A. City of Napa Vacation Rental Ordinance
- B. City of Napa Vacation Rental Application and House Rental Agreement
- C. First Draft of City of Winters Vacation Rental Ordinance

Napa Municipal Code							
Up	Previous	Next	Main	Search	Print	No Frames	
<u>CITY OF NAPA MUNICIPAL CODE</u>							
<u>Title 17 ZONING</u>							
<u>Chapter 17.52 SITE AND USE REGULATIONS</u>							

17.52.515 Vacation rental permits.

A. Scope, Purpose and Findings.

1. The purposes of this section (which may be referred to as the "Vacation Rental Ordinance") are to:
 - a. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any vacation rental use within the city.
 - b. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the city has approved a hotel use in a nonresidential zoning district pursuant to Title 17, or (ii) the city has approved a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter, or (iii) the city has approved a vacation rental permit pursuant to this section.
2. The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in compliance with the Housing Element of the General Plan.
3. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this section is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City of Napa General Plan.
4. The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in subsection (E)(5) of this section, are necessary in order to advance the city's legitimate interest in preventing rental activity that violates this code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City of Napa is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.
5. The City Council hereby finds that the city's regulation of vacation rental uses in accordance with this section is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this section.

B. Definitions. As used in this section:

"2009 permit" means each of the 41 vacation rental permits which were in effect prior to July 1, 2015, and which were issued pursuant to city Ordinance Nos. O2009-6 and O2010-16 (former versions of

ATTACHMENT A

vacation rental regulations). Each 2009 permit shall be deemed by the city to be “approved” and “issued” “pursuant to this section,” as those phrases are used in this section, including, but not limited to, subsections (A)(1)(b), (D)(1), (E), (F), and (H) of this section.

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City of Napa.

“Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this section.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” is as defined by Section 17.06.030 of this code.

“Director” means the Director of the Community Development Department of the city, or a designee of the Community Development Director or City Manager.

“Enforcement officer” means the Director, Chief Building Official, Fire Marshall, City Code Enforcement Officer, City Department Manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the Director or City Manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” means the person holding fee title to the real property that is the subject of a vacation rental permit.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent that this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable as a “responsible person” (see Section 1.16.010).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside,” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

“Transient occupancy” is as defined by Section 17.06.030 of this code.

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses operating pursuant to a 2009 permit, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

C. The Director shall invite applications for vacation rental permits pursuant to this subsection C.

1. The Director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the Director shall endeavor to use other reasonably available means of communications such as the city’s Internet website.
2. Each written notice inviting applications shall identify the date and time which applications must be received by the Director, not less than 30 days after publication of the notice.
3. Each written notice inviting applications shall refer to the permit requirements of this section. Each application for a vacation rental permit shall include the following information, signed by the owner (and the authorized agent for non-hosted accommodations), documented in a form acceptable to the Director:
 - a. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
 - b. Identify whether the application is for a hosted accommodation or a non-hosted accommodation.
 - i. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
 - ii. If the vacation rental is proposed as a non-hosted accommodation, identify the owner’s authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
 - c. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection (E)(4)(b) of this section. For hosted accommodations, identify the location of each room to be rented as a vacation rental.
 - d. Document that all designated bedrooms meet all local building and safety code requirements.
 - e. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.
 - f. Acknowledge that the owner (and authorized agent for non-hosted accommodations) have read all regulations pertaining to the operation of a vacation rental, including this section, the city’s business license requirements (Chapter 5.04 of this code), the city’s transient occupancy tax requirements (Chapter 3.20 of this code), and any additional administrative regulations promulgated by the Director to implement this section.
 - g. Provide a copy of the form rental agreement, rental rules and regulations and any associated materials as required by subsection (E)(4) of this section.
 - h. Provide any other information as the Director deems reasonably necessary to administer this section, as identified in the notice inviting applications.
 - i. Acknowledge and agree that claims, requests, objections and arguments not timely raised in the vacation rental permit application are and shall be deemed waived.

- j. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to subsection (E)(1) of this section.
- k. Agree to hold harmless, indemnify and defend the city against claims and litigation arising from the issuance of the vacation rental permit.
- l. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.

D. The Director shall evaluate permit applications, and process the applications for approval, conditional approval, or denial of vacation rental permits, pursuant to this subsection D:

1. The number of vacation rental permits issued pursuant to this section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations.
2. For all applications that were received by the Director prior to the date and time on which applications were required to be received (pursuant to subsection (C)(2) of this section), the Director shall randomly select each application, and sequentially number each application in the order selected (the first selected application will be assigned the lowest application number, and the last selected application will be assigned the highest application number). A separate application list and application evaluation and issuance process will be established for: (a) hosted accommodations, and (b) non-hosted accommodations.
3. Beginning with the application with the lowest application number, and proceeding sequentially with each application thereafter (subject to the numerical limitation on the number of permits that may be issued, as set forth in paragraph 1 of this subsection), the Director shall select and evaluate each application to determine if the requirements of this section have been satisfied. The Director shall provide a written notice to the applicant identified on each selected application, and shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 30 days after the date of the notice. Each applicant shall provide the following supplemental submittal in a form acceptable to the Director:
 - a. Payment of the application and processing fee established by City Council resolution based on the city's estimated reasonable costs to process and review the application materials.
 - b. A public notice mailing label submittal (to notify neighboring property owners, pursuant to Section 17.68.070(A)(3)).
 - c. If the property that is the subject of the application is within 500 feet of a bed and breakfast inn (permitted in accordance with Section 17.52.060) or a vacation rental (approved or conditionally approved by the Director pursuant to this section), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.
 - d. Provide any other information as the Director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.
4. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C or D of this section, the Director is authorized to provide written notice to the applicant of the determination of denial.
5. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant adequately mitigated potential adverse impacts to the public health, safety, or welfare (e.g., due to concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under paragraph (3)(c) of this subsection D), the Director shall notice a

public hearing of the Planning Commission pursuant to Sections 17.68.070 through 17.68.100 of this code. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly incorporating the requirements of paragraphs 6 through 8 of this subsection D.

6. If the Director determines that an applicant has satisfied the application requirements of subsections C and D of this section, and that the owner has borne the burden of proving that the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The notice shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 10 calendar days after the date of the notice.
 - a. The applicant shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section.
 - b. The applicant shall comply, and provide documentation that the owner (and authorized agent for non-hosted accommodations) agree to comply, with all requirements of this section and the permit, particularly including the rules set forth in subsection (E)(4) of this section.
7. Upon the Director's receipt of the documentation of agreement from the applicant (pursuant to paragraph (6)(b) of this subsection D), the Director shall provide written notice to all property owners within 500 feet of the conditional approval of the vacation rental, to include:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the permit and this section.
 - b. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, 24 hours per day.
 - c. The City of Napa Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this section and any conditions of approval).
 - d. The right of an interested person to file an appeal within 10 calendar days of the permit approval (pursuant to Chapter 17.70 of this code), or to identify concerns related to a permit extension pursuant to subsections H and I of this section.
8. Each vacation rental permit issued pursuant to this section shall be effective on the date determined pursuant to the provisions of Section 17.68.110 of this code. Each vacation rental permit issued pursuant to this section shall be subject to the appeal procedures set forth in Chapter 17.70 of this code.

E. Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Each vacation rental permit issued under the authority of this section shall be valid for one year after the effective date, unless approved by the Director for a longer period under the terms of subsections H and I of this section. Upon expiration or lapse of any vacation rental permit, it shall

be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

2. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.

3. The owner shall comply with each of the requirements of this paragraph 3. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this section, and particularly including this paragraph 3.

- a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
- b. Smoke detectors shall be installed per the California Building Code.
- c. No double keyed dead bolts may be installed on exit doors.
- d. A portable fire extinguisher shall be provided.
- e. Exit doors may not be obstructed and/or prohibited from fully opening.
- f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
- g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from the building.
- h. BBQs and open fires must be in an approved appliance or enclosure.
- i. No electrical wiring may be exposed or open in any outlet, switch or junction boxes.
- j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
- k. The garage firewall shall not have any penetrations in sheet rock.
- l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.

4. Each vacation rental permit will be subject to the house rules set forth in this paragraph 4. The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:

- a. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
- b. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom meeting building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this code. In no case may more than 10 persons be allowed to sleep at the vacation rental unit.
- c. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

- d. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this code.
- e. It is the intent of the city to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
- f. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 5.60 of this code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
- g. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.
- h. The permittee shall ensure that the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.
- i. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.
- j. Pools and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with paragraph (4)(g) of this subsection E.
- k. Exterior lighting shall also be adequately shielded from adjacent properties to minimize light pollution impacts in accordance with Section 17.08.040(I) of this code.
- l. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.
- m. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.

5. Each written advertisement (whether paper or electronic form) for a vacation rental use shall include the "City of Napa Certified Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (b) the use has a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter; or (c) the city has approved a vacation rental permit pursuant to this section.

6. For each vacation rental use:

- a. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be available by telephone at all times when the vacation rental is rented, 24 hours per day.

- b. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be on the premises of the vacation rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the owner (for a hosted accommodation) or the authorized agent (for a non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
- c. Only one rental agreement per vacation rental unit shall be in effect at any one time.
- d. It is a violation of this section for any accessory dwelling unit (as defined by Section 17.52.015 of this code) to be used for transient occupancy purposes.

7. For each hosted accommodation:

- a. The owner must reside at the vacation rental unit, and the owner must sleep at the vacation rental unit while it is being rented.
- b. The owner must reside and sleep in a bedroom that is not rented to any renter.
- c. No more than two bedrooms may be rented for transient occupancy uses.

F. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection F. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

- 1. A hosted accommodation vacation rental permit shall not be transferred by any person.
- 2. A non-hosted accommodation vacation rental permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this paragraph 2. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this subsection.
 - a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.
 - b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to subsections (C)(3) and (D)(3) of this section.
 - c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in subsections (D)(4) through (8) of this section.

G. On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations).

- 1. Applicants included on the waiting list will include each application selected pursuant to subsection (D)(2) of this section for which: (a) a permit was not issued; and (b) the application was not denied pursuant to subsection (D)(4) of this section. The order of applicants on the initial waiting list shall be as set forth in subsection (D)(2).
- 2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).

3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with subsection D of this section.
4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with subsections C and D of this section. Any applicants selected by the Director in accordance with this paragraph 4 and subsection (D)(2) of this section shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.

H. Each vacation rental permit issued pursuant to this section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this subsection H, documented in a form acceptable to the Director. For the purpose of this subsection, "effective date" is as defined by subsections (D)(8) and I of this section; and the first "effective date" of each 2009 permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 permit.

1. The owner shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section. The owner shall document compliance with the requirements of subsection (E)(3) of this section.
2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).
3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least 10 days during the permit term, the Director may determine that the permit is inactive and ineligible for approval of an extended term.
4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the city, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.
5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by subsection (D)(7) of this section.

I. Following an annual permit review (pursuant to subsection H of this section):

1. If the Director determines that the permittee is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.
2. If the Director determines that the permittee has failed to comply with this section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant to the criteria of subsection (D)(5) of this section; or (b) provide written notice to the permittee that the term of the permit is expired.

3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
- J. At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the Director determines in his or her discretion that: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit. In the event that the Director determines that any of the conditions described above exists, the Director is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.24.040 of this code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval of a modification to the terms or conditions of the permit), the Director or the enforcement officer may either:
 1. Pursue any of the remedies set forth in Chapter 17.72 of this code; including, but not limited to, issuance of a stop order under Section 17.72.060, or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit under Section 17.72.070.
 2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 and subsection K of this section.
- K. It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this code. In addition to the fines and enforcement costs set forth in Section 1.16.050 of this code, and notwithstanding the limitations of Section 1.24.060 of this code, the amount of the fine imposed for each violation of this section shall be:
 1. \$500.00 for a first violation;
 2. \$750.00 for a second violation of the same code section within 12 months; and
 3. \$1,000.00 for each day of each additional violation of the same code section within 12 months.
- L. Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection L.
 1. Any determination by the Director or the Planning Commission to: approve, conditionally approve, or deny a permit application (pursuant to subsection D of this section), to transfer a permit to a purchaser (pursuant to subsection F of this section), to extend the term of a permit or to determine that a permit has expired following an annual review (pursuant to subsections H and I of this section), or to modify or revoke a permit (pursuant to subsection J of this section) may be appealed only in accordance with the requirements of Chapter 17.70 of this code.
 2. Any enforcement action taken by the Director or the Enforcement Officer pursuant to subsections (J)(2) or K of this section may be appealed only by requesting an administrative hearing in accordance with the requirements of Sections 1.24.070 through 1.24.090 of this code.
 3. Failure to timely appeal in the manner required by this subsection L shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief

and claims arising in connection with the determination by the city pursuant to this section.
(O2015-13, 11/3/15; O2017-007, 3/7/17)

[View the mobile version.](#)



**Community Development Department
1600 First St., P.O. Box 660
Napa, CA 94559-0660**

Planning Division
707-257-9530

**HOSTED VACATION RENTAL PERMIT
(WAIT LIST)
APPLICATION & SUBMITTAL REQUIREMENTS**

VACATION RENTAL PROPERTY INFORMATION:

PLEASE TYPE OR PRINT

PROJECT ADDRESS _____ APN(S) _____

TOTAL NUMBER OF BEDROOMS _____ NUMBER OF BEDROOMS FOR RENT* _____

* Limited to 2 bedrooms per residence, providing an additional (separate) owner's bedroom per limitations imposed under Subsection 17.52.515(E) (7)

NUMBER OF PROPOSED OVERNIGHT RENTERS (Limited to 2 per rental bedroom) _____

PROPERTY OWNER INFORMATION:

NAME _____

EMAIL ADDRESS _____

PHONE _____ 24-HOUR PHONE _____

PLANNING DIVISION USE ONLY

GENERAL PLAN DESIGNATION _____ ZONING _____

CONDITIONS OF APPLICATION

1. All materials and representations submitted in conjunction with this form shall be considered a part of this application.
2. The property owner shall inform the Planning Division in writing of any changes.
3. **INDEMNIFICATION:** The property owner agrees to defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense.
4. **FEES.** The Property Owner(s) hereby agree(s) that he/they shall be jointly and severally liable for the payment of any and all processing fees imposed by the Napa Municipal Code Chapter 15.92 "Development Project Processing Fees", and Policy Resolution 16. The property owner(s) hereby represent(s) and warrant(s) that he/they understand that fees include but are not limited to: staff time billed at an hourly rate; production or reproduction of materials and exhibits; and postage. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
5. I hereby authorize employees of the City of Napa to enter upon the subject property, as necessary, to inspect the premises and process this application pursuant to Section 17.52.515(E)(3).
6. The applications with supporting documentation will be reviewed and accepted or denied by the Community Development Director or their designee based upon the strength and veracity of the evidence provided. Decisions may be appealed under the provisions

of NMC Section 17.52.515(L) to the City Clerk of the City of Napa.

(initials)

I have read and agree to all of the above requirements. I have also read and agree to comply with all of the provisions contained in Ordinance O2015-13 which amends Napa City Code Section 17.52.515 governing Vacation Rental Permits.

I hereby acknowledge that all claims, requests, objections and arguments not timely raised in this vacation rental permit application are and shall be deemed waived.

I further agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to Napa Municipal Code 17.52.515(l)(3).

I hereby certify that the subject property is not party to Homeowners Association Bylaws or CC&Rs that prohibit the use of the property as a vacation rental.

I hereby certify that all of the statements made and supporting documentation provided in this application are true, accurate and authentic to the best of my knowledge, information and belief, and further, I understand that knowing and willful misstatements or misrepresentations will result in a denial of the application.

*By signing below, I hereby certify that this is my **primary residence**, I reside at the property, and I acknowledge that I must sleep at the vacation rental unit while it is being rented pursuant to Napa Municipal Code 17.52.515(E)(7).*

Property Owner(s) Signature DATE _____

Property Owner(s) Signature DATE _____

ALL PROPERTY OWNERS HOLDING A TITLE INTEREST, WHETHER AS JOINT TENANTS, TENANTS IN COMMON, OR OTHER FORM OF JOINT PROPERTY OWNERSHIP, MUST SIGN THE APPLICATION FORM. IF THERE ARE MORE THAN TWO, LIST NAME, ADDRESS, PHONE NUMBER AND SIGNATURE ON A SEPARATE SHEET.

SUBMITTAL REQUIREMENTS

- 1 **Hosted Vacation Rental Permit Application Form** –Completed and signed by all property owners holding a title interest, and by the Authorized Agent, if applicable.
- 2 **Proof of Ownership** – of the subject property (in the form of a property tax billing, title documents, or listing on the most recent assessor's parcel roll).
- 3 **Site Plan (dimensioned and to scale); 3 copies** –including location of garage, hot tub, pool, parking location & number of spaces required, number of bedrooms and approximate size of the home, and the location of the proposed overnight vehicle parking under the limitations imposed under Napa Municipal Code Subsection 17.52.515(E)(4)(c). Include north arrow, date prepared, the scale and a bar scale, and legend identifying symbols and abbreviations. Plans should be on plan sheets up to 11" x 17" and need to be clear and easy to understand but do not need to be prepared by a professional designer. Plans sheets larger than 8.5" x 11" shall be folded and one (1) 8.5" x 11" reduction shall be provided.
- 4 **Proposed Rental Agreement** – A copy of the rental agreement, City Rules, rental rules and regulations, and any associated materials as required by Napa Municipal Code 17.52.515(E)(4).
- 5 **Photographs; 1 set** – of all onsite structures from each direction, including pool/spa screening, outdoor lighting, onsite parking locations, as well as neighboring properties taken from the front and backyards. Photographs shall be labeled appropriately.

ADDITIONAL INFORMATION REQUIRED IF SELECTED FOR A PERMIT

- 6 **Fees** –Administrative Permit - \$594, check payable to City of Napa.
- 7 **500+ foot notification mailing labels** – Per Subsection 17.68.070(A) (3) of the Napa Municipal Code. Provide 2 sets of mailing labels of property owners within 500 feet of the subject property.
- 8 **Supplemental Information** – If the subject property is located within 500 feet of a Bed & Breakfast Inn (permitted in accordance with Section 17.52.060) or a Vacation Rental (approved or conditionally approved by the Director pursuant to Section 17.52.515), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.

House Rental Agreement

CITY of NAPA Rules

Tenant hereby acknowledges it has read and agrees to comply with the following rules required by the City of Napa:

- A. Overnight occupancy of this vacation rental is limited to the maximum number of persons designated in the permit which is posted in the vacation rental. For this vacation rental the maximum number of occupants is eight (8). If this item is checked the number of occupants allowed for this rental is six (6), which is less than the maximum number of occupants allowed under the vacation rental permit.
- B. The number of vehicles of overnight renters is limited to four (4) total vehicles, as designated in the permit which is posted in the vacation rental, which shall in no event exceed the maximum number of overnight guests allowed under the permit. Overnight renters shall utilize designated on-site parking spaces to the maximum extent possible. Owner shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces. If this item is checked the maximum number of vehicles for this rental shall be three (3), which is less than the maximum number of vehicles allowed under the vacation rental permit.
- C. Renters and/or guests of the vacation rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct. The owner shall, upon notification that renters and/or guests of his or her vacation rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or state law pertaining to noise, or disorderly conduct, promptly act to prevent a recurrence of such conduct by those renters or guests. Quiet times shall be 9pm-7am Sunday through Thursday evenings and 10pm-7am Friday and Saturday evenings.
- D. Use of the pool and hot tub are prohibited between the hours of 9pm-7am Sunday through Thursday evenings and 10pm-7am Friday and Saturday evenings. If this item is checked the property has a pool and/or hot tub which are subject to these rules.
- E. The property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
- F. Weddings, auctions, commercial functions or other similar events that are inconsistent with the use of the property for transient occupancy in a residential neighborhood are prohibited. The total number of persons (renters and guests) occupying a vacation rental property shall not exceed twice the number of authorized renters identified on the vacation rental permit, which is sixteen (16) for this property. If this item is checked the maximum number of persons (renters and guests) for this rental shall not exceed ten (10), which is less than the maximum number allowed under the vacation rental permit.
- G. If pets are permitted by the vacation rental business owner, the pet must be attended to at all times and must have current vaccinations. If this item is checked no pets are permitted at this property.
- H. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
- I. The following are the names and phone numbers of the parties who may be reached on a 24-hour basis:
 - a) Owner's name: [REDACTED]
 - b) Owner's phone number: [REDACTED]
 - c) Authorized Agent's name: [REDACTED]
 - d) Authorized Agent's phone number: [REDACTED]
- J. The City of Napa Code Enforcement telephone number which will normally be answered between the hours of Thursday through Sunday evenings between the hours of 8pm and midnight is: [REDACTED]

House Rules

1. **PAYMENT** – Full payment is required for booking and guarantee of rate quote.
2. **CANCELLATIONS** – Cancellations after confirmation are subject to forfeiture if owners are unable to rent property for that time. If the property is rented, a 10% rental fee will be withheld and the remaining fees collected will be returned. If the property is not re-rented the full payment minus the first two nights will be refunded. Early departure does not warrant any refund of rent.
3. **MONTHLY RESERVATION CANCELLATIONS** - Monthly renters must cancel sixty (60) days prior to check-in. Monthly renters who make a change that results in a shortened stay must be made at least thirty (30) days prior to check-in.
4. **CHECK-IN TIME** is after 4 P.M. (PST) and **CHECK-OUT** is 10 A.M. (PST).
5. **SMOKING** - This is a **NON-SMOKING** property. No smoking is permitted either inside the house or in the yard.
6. **PETS** - Pets are **NOT** permitted on the premises under any conditions.
7. **DAMAGE DEPOSIT** - We do not collect a damage deposit. However your credit card number will be retained as security until confirmation of the following:
 - a) No damage is done to the house or its contents.
 - b) One house key is left on the kitchen table and the lock box key is returned to the lockbox.
 - c) All charges accrued during the stay are paid prior to departure.
 - d) The renter is not evicted by the owner or local law enforcement.
 - e) House inventory is checked with all contents verified
8. **MAXIMUM OCCUPANCY** - The maximum number of guests is six (6) persons. Use of [REDACTED] for any other gathering in excess of intended permission is strictly prohibited. No more than four (4) visitors are allowed at any one time. This property is rented only to those over 21 years of age.
9. **MINIMUM STAY**: This property requires a two (2) night minimum stay. Longer minimum stays may be required during holiday periods. If a rental is taken for less than two days, the guest will be charged the two-night rate.
10. **INCLUSIVE FEES** - Rates include a one-time linen-towel setup.
11. **NO DAILY MAID SERVICE** - Linens and bath towels are included in the home, however daily maid service is not included in the rental rate.
12. **RATE CHANGES** - Rates subject to change without notice until confirmation of reservation payment.
13. **FALSIFIED RESERVATIONS** - Any reservation obtained under false pretense will be subject to forfeiture of advance payment, deposit and/or rental money, and the party will not be permitted to check-in.
14. **PARKING**. A total of one vehicle is allowed per each two renters with a maximum of three (3) vehicles. Parking on the street is allowed for one (1) vehicle.
15. **NOISE** - All neighbors within 500 feet of the [REDACTED] have our contact numbers along with the City of Napa Code Enforcement Officer who is designated exclusively for handling vacation rental complaints. Any noise complaints will be taken seriously. Please be mindful this is a residential neighborhood with people going to work and school.
16. **WRITTEN EXCEPTIONS** - Any exceptions to the above mentioned policies must be approved in writing in advance.

By signing below, I agree to all terms and conditions of this agreement.

Signature: _____ Date: _____

Chapter 17.54

VACATION RENTALS

Sections:

- 17.54.010 Purpose and intent**
- 17.54.020 Definitions**
- 17.54.030 Requirements for an application**
- 17.54.040 Permit requirements**
- 17.54.050 Enforcement**

17.54.010 Purpose and intent.

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued for vacation rentals in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

17.54.020. Definitions.

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the city of Winters.

“Applicant” is as defined in Section 17.04.140 of this code.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

“Community development community development director” as defined in Section 17.04 of this code.

“Enforcement officer” means the community development director, chief building official, fire marshal, city code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development director or city manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two (2) bedrooms are rented for transient occupancy pursuant to this section.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” is as defined in Section 17.04.140 of this code.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable (see Chapter 1.16.).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside,” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one (1) domicile.

“Transient occupancy” means any person’s use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental permit” means a permit issued by the community development director or a use permit issued by the planning commission.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

17.54.030 Requirements for an application

The community development director shall invite applications for vacation rental permits pursuant to this subsection

A. The community development director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the community development director shall endeavor to use other reasonably available means of communications such as the city’s Internet website.

B. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

1. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
2. Identify whether the application is for a hosted or a non-hosted accommodation.
 - a. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
 - b. If the vacation rental is proposed as a non-hosted accommodation, identify the owner's authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
3. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection 17.54.040(D). For hosted accommodations, identify the location of each room to be rented as a vacation rental.
4. Document all designated bedrooms meet all current building and fire codes. An inspection by the City may be necessary to verify the bedrooms meet all current building and fire codes.
5. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.
6. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a vacation rental, including this section, the city's business license requirements (Chapter 5.04 of this code), the city's transient occupancy tax requirements (Chapter 3.24 of this code), and any additional administrative regulations as determined by the community development director necessary to implement this section.
7. Provide a copy of the rental agreement, rental rules and regulations and any associated materials as required by subsection 17.54.040(D).
8. Provide any other information as the community development director deems reasonably necessary to administer this section, as identified in the notice inviting applications.
9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).
10. Agree to hold harmless, indemnify and defend the city against claims and litigation arising from the issuance of the vacation rental permit.

11. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.

C. The community development director shall evaluate permit applications, and process the applications for review by staff or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution.

2. Public notice mailing labels (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

3. Provide any other information as the community development director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.

D. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

E. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing pursuant to Section 17.16.040 of this code. The community development director, at his or her discretion, could refer an application for a hosted facility to the planning commission. The notice shall identify the date and time on which community development department shall consider the permit application

F. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing of the planning commission pursuant to Section 17.16.040 of this code. The notice shall identify the date and time the planning commission shall consider the use permit application.

G. Upon the decision of the community development director or the planning commission the community development director shall provide written notice to all property owners within three hundred (300) feet of the conditional approval of the vacation rental permit, to include:

1. A concise summary of the terms of the use permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the use permit and this section.

2. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, twenty-four (24) hours per day.
3. The city of Winters Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this section and any conditions of approval).
4. The right of an interested person to file an appeal within ten (10) calendar days of the permit or use permit decision (pursuant to Chapter 17.16 of this code).

17.54.040 Permit requirements

Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

- A. Each vacation rental permit issued under the authority of this section shall be subject to an annual review by the community development department or planning commission.
- B. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.
- C. The owner shall comply with each of the requirements of this paragraph. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this section, and particularly including this paragraph.
 1. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 2. Smoke detectors shall be installed per the California Building Code.
 3. No double keyed dead bolts may be installed on exit doors.
 4. A portable fire extinguisher shall be provided.
 5. Exit doors may not be obstructed and/or prohibited from fully opening.
 6. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 7. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of ten (10) feet from the building.
 8. BBQs and open fires must be in an approved appliance or enclosure.
 9. No electrical wiring may be exposed or open in any outlet, switch or junction boxes.
 10. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
 11. The garage firewall shall not have any penetrations in sheet rock.

12. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
- D. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:
 1. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
 2. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed ~~two (2) persons per bedroom~~, plus two (2) additional persons per vacation rental unit. Each vacation rental must meet all current building and fire codes and shall comply with all applicable provisions and requirements of Title 17 of this code. In no case may more than ~~ten (10) persons~~ be allowed to sleep at the vacation rental unit, ~~this includes any property that has multiple habitable buildings~~.
 3. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.
 4. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this code.
 5. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.
 6. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.
 7. The permittee shall ensure the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.
 8. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable

noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.

9. Pools and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with paragraph (7) of this subsection

10. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.

11. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.

E. Each written advertisement (whether paper or electronic form) for a vacation rental shall include the "City of Winters Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

F. For each vacation rental use:

1. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be available by telephone at all times while the vacation rental is rented, twenty-four (24) hours per day.

2. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within one (1) hour of being notified (by a renter, or by the community development director or enforcement officer) there is a need for the owner (hosted accommodation) or the authorized agent (non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

4. It is a violation of this section for any accessory dwelling unit (as defined by Chapter 17.98 of this code) to be used for transient occupancy purposes.

G. For each hosted accommodation:

1. The owner must sleep at the vacation rental unit while it is being rented.

2. The owner must reside and sleep in a bedroom not rented to any renter.

3. No more than two (2) bedrooms may be rented for transient occupancy uses.

H. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection H. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not

transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

I. A use permit is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

J. Each vacation rental permit issued pursuant to this section shall be subject to an annual building and fire inspection, no later than one (1) year after the effective date of the permit or use permit.

1. The owner shall pay the annual inspection fee established by city council resolution. The owner shall document compliance with the requirements of subsection 17.54.040 (C) of this section.

2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).

3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.24 of this code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit.

4. The owner shall document that written notice was provided to property owners within three hundred (300) feet of the vacation rental unit, with the information required by subsection ~~17.54.030(G)~~.

K. Following an annual permit review (pursuant to subsection J of this section):

1. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the community development director shall provide written notice to the permittee.

2. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director shall notice a public hearing of the planning commission pursuant to ~~Section 17.20.050~~ of this code.

3. Upon revocation of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

L. At any time during the term of a vacation rental permit, the community development director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the community development director determines in his or her discretion: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section ~~17.20.050 of this code.~~

2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 of this code and subsection 17.54.050.

17.54.050 Enforcement

It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Chapter 17.20 of this code. Notwithstanding the limitations of Chapter 1.16 of this code, the amount of the fine imposed for each violation of this section shall be:

1. ~~\$500.00 for a first violation;~~
2. ~~\$750.00 for a second violation of the same code section within twelve (12) months; and~~
3. ~~\$1,000.00 for each day of each additional violation of the same code section within twelve (12) months.~~

~~Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection.~~

1. Any determination by the planning commission to: approve, conditionally approve, or deny a use permit application (pursuant to Chapter 17.20 of this code and subsection ~~17.54.030(D)~~, to transfer a use permit to a purchaser (pursuant to subsection ~~17.54.030(F)~~ of this section), or to modify or revoke a use permit (pursuant to Section 17.20.050 of this code) may be appealed only in accordance with the requirements of Chapter 17.16 of this code.
2. Any enforcement action taken by the community development director or the enforcement officer may be appealed only by requesting an administrative hearing in accordance with the requirements of Section 17.16.060 of this code.
3. Failure to timely appeal in the manner required by Section 17.16.060 of this code shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the city pursuant to this subsection.